

AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 970

Introduced by Assembly Member Ducheny

February 25, 1999

An act to ~~amend Section 25201.13 of~~ *add Section 25201.16* to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 970, as amended, Ducheny. Hazardous waste treatment: elementary neutralization ~~activities~~.

Existing law requires hazardous waste facilities, including, but not limited to, treatment facilities, to operate under hazardous waste facilities permits or other grants of authorization issued by the Department of Toxic Substances Control. Existing law exempts, from hazardous waste facilities requirements, an owner and operator of an elementary neutralization unit that neutralizes specified wastewaters that are hazardous solely due to corrosivity or toxicity that results only from certain alkaline or acidic materials.

This bill would additionally exempt, from the ~~hazardous waste control laws, an owner or operator of an elementary neutralization unit that meets specified conditions, including a requirement that the owner or operator of the elementary neutralization unit complete a specified training program. The bill would also exempt these elementary neutralization activities from any statute or regulation requiring the unit to have secondary containment for piping or ancillary~~

equipment requirement to obtain a waste facilities permit from the department, a generator who treats hazardous waste in an elementary neutralization unit, if the hazardous waste is hazardous solely due to acidic or alkaline materials and does not contain more than 10%, by weight, of acidic or alkaline constituents, and if the treatment meets other specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — Section 25201.13 of the Health and~~
2 *SECTION 1. Section 25201.16 is added to the Health*
3 *and Safety Code, to read:*
4 *25201.16. (a) A generator who treats hazardous*
5 *waste that is hazardous solely due to acidic or alkaline*
6 *materials and that does not contain more than 10 percent,*
7 *by weight, of acid or alkaline constituents, is exempt from*
8 *the requirement to obtain a hazardous waste facilities*
9 *permit from the department, with regard to that*
10 *treatment, if the generator meets all of the conditions*
11 *specified in subdivision (d) of Section 25201.5 and the*
12 *treatment meets all of the following requirements:*
13 *(1) The treatment occurs in an elementary*
14 *neutralization unit, as defined in Section 66260.10 of Title*
15 *22 of the California Code of Regulations, or any successor*
16 *regulation.*
17 *(2) The generator determines that the elementary*
18 *neutralization process will not raise the temperature of*
19 *the hazardous waste to within 10 degrees of the boiling*
20 *point or cause the release of hazardous gaseous emissions,*
21 *and includes these calculations in the notice required by*
22 *paragraph (7) of subdivision (d) of Section 25201.5.*
23 *(3) The hazardous waste is not diluted for the sole*
24 *purpose of meeting the requirement that it not contain*
25 *more than 10 percent, by weight, of acid or alkaline*
26 *constituents.*

(4) The temperature of any unit, which is 100 gallons or larger, is automatically monitored and fitted with a high temperature alarm system.

(5) If the elementary neutralization unit is a closed system, the unit automatically controls the adding and mixing of corrosive and neutralizing solutions.

(6) After neutralization, the wastewaters do not exhibit the characteristic of corrosivity, as described in Section 66261.22 of Title 22 of the California Code of Regulations, or any successor regulation.

(b) This section does not apply to a generator who treats hazardous waste pursuant to Section 25201.13 or 25201.15 or subdivision (a) or (c) of Section 25201.5.

~~Safety Code is amended to read:~~

~~25201.13. (a) The Legislature hereby finds and declares that demineralization of water is a standard industrial water purification process used by utilities and industry. The regeneration and recycling of ion exchange media used to demineralize water is a continuous, onsite, totally enclosed, automated process, which is exempt from federal permitting requirements. The conditions set forth in subdivision (d) of Section 25201.5 are important to protect the environment by ensuring notification before treatment begins, written operating instructions, inspections, compliance with pretreatment standards, cleanup of terminated units, and recordkeeping to demonstrate compliance. However, those conditions are inapplicable to demineralization units because of the enclosed, automated, continuous technology involved, the very brief period in which treatment occurs, and the lack of any waste residue. An exemption from Section 25201.5 is therefore appropriate. Similarly, elementary neutralization associated with food processing industry wastewaters should also be exempt from Section 25201.5.~~

~~(b) An owner or operator of an elementary neutralization unit, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, and any storage tank not regulated under the federal act which is an integral part of the demineralizer operation, that neutralizes wastes which are hazardous solely due to~~

1 corrosivity or toxicity that results only from the acidic or
2 alkaline material, is exempt from this article, including
3 the requirement of obtaining a hazardous waste facilities
4 permit or other grant of authorization from the
5 department, if the wastes result solely from the
6 regeneration of ion exchange media used to demineralize
7 water, do not contain more than 10 percent acid or base
8 concentration by weight, are treated in vessels and piping
9 constructed of materials that are compatible with the
10 range of temperatures and pH levels of the wastes, and
11 are subject to appropriate pH and temperature controls.

12 (e) (1) An owner or operator of an elementary
13 neutralization unit, as defined in Section 66260.10 of Title
14 22 of the California Code of Regulations, including any
15 storage or processing tank not regulated under the
16 federal act which is an integral part of the elementary
17 neutralization operation, is exempt from this article,
18 including the requirement to obtain a hazardous waste
19 facilities permit or other grant of authorization from the
20 department, if all of the following requirements are met:

21 (A) The unit neutralizes wastewaters which are
22 hazardous solely due to corrosivity or toxicity that results
23 only from alkaline or acidic materials used in the owner's
24 or operator's food processing operations.

25 (B) The wastewaters result from food processing
26 operations, do not contain more than 10 percent acid or
27 base concentration by weight, are treated in vessels and
28 piping that are compatible with the range of
29 temperatures and pH levels of the wastewaters, and are
30 subject to appropriate pH and temperature controls.

31 (2) For purposes of this subdivision, "food processing
32 operation" means activities conducted at facilities in SIC
33 Code Major Group 20 (Food and Kindred Products), and
34 includes preparation, mixing, cooking, fermentation,
35 aging, storage, packaging, sanitizing, or pasteurization of
36 products intended for human consumption, and all
37 associated equipment and vessel cleaning operations.

38 (d) (1) An owner or operator of an elementary
39 neutralization unit, not otherwise exempted pursuant to
40 subdivisions (b) or (c), is exempt from any requirement

1 imposed pursuant to this chapter, including any
2 regulation adopted pursuant to this chapter, that relates
3 to generators, tanks, and tank systems, and the
4 requirement to obtain a hazardous waste facilities permit
5 or other grant of authorization from the department,
6 with regard to that unit, if all of the following conditions
7 are met:

8 (A) The elementary neutralization unit is located at a
9 manufacturing, research, development, or educational
10 facility.

11 (B) A permit is not required to conduct the
12 elementary neutralization under the federal act.

13 (C) The hazardous waste subject to the elementary
14 neutralization process are hazardous solely due to acidic
15 or alkaline materials, and are generated by industrial
16 process manufacturing or industrial process
17 development activities.

18 (D) One of the following applies with regard to the
19 elementary neutralization activity:

20 (i) The hazardous waste in the elementary
21 neutralization unit do not contain more than 10 percent
22 by weight acid or alkaline constituents.

23 (ii) The owner or operator determines that the
24 elementary neutralization process will not raise the
25 temperature of the hazardous waste to within 10 degrees
26 of the boiling point or cause the release of hazardous
27 gaseous emissions, using either constituent-specific
28 concentration limits or calculations. The owner or
29 operator shall make these calculations in accordance with
30 the regulations adopted by the department, if the
31 department adopts those regulations.

32 (E) The hazardous waste is not diluted for the sole
33 purpose of meeting the criteria specified in clause (i) of
34 subparagraph (D), and after neutralization the
35 wastewaters do not exhibit the characteristic of
36 corrosivity, as defined in Section 66261.22 of Title 22 of the
37 California Code of Regulations, or any successor
38 regulation.

39 (F) The temperature of any unit 100 gallons or larger
40 is automatically monitored, and is fitted with a high

1 ~~temperature alarm system, and for closed systems, the~~
2 ~~unit automatically controls the adding and mixing of~~
3 ~~corrosive and neutralizing solutions.~~

4 ~~(G) The owner or operator of the elementary~~
5 ~~neutralization unit successfully completes a program of~~
6 ~~classroom instruction or on-the-job training that includes,~~
7 ~~at a minimum, instruction for responding effectively to~~
8 ~~emergencies by familiarizing personnel with emergency~~
9 ~~procedures, emergency equipment, and emergency~~
10 ~~systems, including, where applicable, procedures for~~
11 ~~using, inspecting, repairing, and replacing facility~~
12 ~~emergency and monitoring equipment,~~
13 ~~communications, or alarm systems.~~

14 ~~(2) Notwithstanding any other provision of law, unless~~
15 ~~required by federal law, elementary neutralization~~
16 ~~activities that are exempted pursuant to paragraph (1)~~
17 ~~are also exempt from any statute or any regulation~~
18 ~~adopted pursuant to state law requiring the elementary~~
19 ~~neutralization unit to have secondary containment for~~
20 ~~piping or ancillary equipment, including, but not limited~~
21 ~~to, a regulation adopted by the State Water Resources~~
22 ~~Control Board, the department, or any other state~~
23 ~~agency.~~

